competent to exercise the powers and perform the functions of the corporation.

(4) Where a vacancy occurs through the resignation or non-acceptance of office by a person elected or through such person becoming disqualified to be a councillor or through any election being set aside under the provisions of section 42 or through the death, removal or disability of a councillor previous to the expiry of his term of office, the vacancy shall be filled, as soon as may be, after the occurrence of such vacancy by the election of a person thereto :

Provided that no election shall be held to fill a casual vacancy occurring within four months prior to the expiry of the term of office of councillors under sub-section (1).

11. Disqualification of councillors.—(1) Subject to the provisions of this Act, a councillor shall cease to hold office as such if he,—

(a) becomes of unsound mind, a deaf, a mute or a leper ;

(b) is sentenced by a criminal court to such punishment and for such offence as is described in sub-section (1) of section 28 ;

(c) applies to be adjudicated or is adjudicated an insolvent ;

(d) subject to the proviso to clause (c) of sub-section (2) of section 28, acquires any interest directly or indirectly, by himself or his partner, in any subsisting contract made with, or work being done for, the corporation ;

(e) is employed as paid legal practitioner on behalf of the corporation or accepts employment as legal practitioner against the corporation ;

(f) is appointed to any office or post referred to in clause (e) of sub-section (2) of section 28 ;

(g) ceases to reside in the city ; or

(h) fails to pay any arrears of any kind due by him to the corporation otherwise than as an agent receiver, trustee or an executor, within three

months after a notice in this behalf has been served upon him;

(i) absents himself during three successive months from the meetings of the corporation, except due to temporary illness or other cause to be approved by the corporation;

(j) absents himself from, or is unable to attend the meetings of the corporation during six successive months due to any cause whatsoever whether approved by the corporation or not;

(k) directly or indirectly by himself or in the name of any member of his family acquires any corporation property or any interest therein.

Explanation.—For the purposes of this clause 'family' means the wife or the husband, as the cas may be, of such councillor and includes their dependent children.

Provided that the disqualifications specified in clauses (g), (h), (i) and (j) shall not apply to any person appointed as a special councillor under sub-section (3) of section 9.

(2) Where a person ceases to be councillor under clause (b) or clause (c) of sub-section (1), he shall be restored to office for such portion of the period for which he was elected or appointed as may remain unexpired at the date of such restoration, if and when the sentence or order is annulled on appeal or revision and any person elected to fill the vacancy in the interim shall on such restoration vacate office.

(4) In the case of a person who has ceased to be a councillor in consequence of failure to attend meetings, the matter shall be reported by the commissioner at the next ordinary meetings and the corporation may at the meeting restore such person to office.

12. Decision on questions of disqualification of councillors.—(1) Save where the election may be questioned by an election petition under section 38, whenever it is alleged that any person who has been elected or appointed as a councillor is disqualified under section 11 or section